

IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA:

CWP.No.362/2005

Date of Decision :4.5.2007.

Suresh Kumar.

...Petitioner.

Versus:

Union of India and others.

...Respondents.

Coram:

The Hon'ble Mr.Justice Sanjay Karol, Judge.

Whether approved for reporting?¹

For the petitioner: Mr.Surinder Sharma, Advocate.

For Respondents. Mr.Janesh Mahajan, Central
Govt. Counsel.

Sanjay Karol, J (Oral).

Vide order dated 13th September, 2004, this Court in CWP.No.146 of 2000 titled *as Suresh Kumar Vs. Union of India and others*, while quashing the order dated 7.4.1998 had directed the Appellate Authority to entertain the petitioner's appeal dated 27th February, 1998 and decide the same in accordance with law by passing a reasoned order after taking into consideration the grounds of appeal taken by

¹ Whether reporters of Local Papers may be allowed to see the judgment?

the petitioner in the memorandum of appeal including the relevant material placed on record by him. The Appellate Authority vide order dated 23rd December, 2004 has decided the appeal by passing a three paragraph order.

A perusal of the order itself shows that the direction given by this Court on 13th September, 2004 has not been complied with. Petitioner has raised various important questions of fact and law in the appeal. The Appellate Authority has miserably failed in complying with the orders of this Court. The Appellate Authority ought to have passed a detailed and reasoned order taking into account the grounds of appeal taken by the petitioner in the memorandum of appeal as also other relevant material placed on record which has not been done.

Without going into the merits of the case, the order dated 23rd December, 2004 is set aside on this ground alone. The matter is once again remanded back to the Appellate Authority, who shall decide the statutory appeal already filed by the petitioner on 27th February, 1998 within a period of two months from today. The writ petition is accordingly allowed with cost of Rs.5,000/- which shall be paid by the respondents.

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**(Sanjay Karol),
Judge.**

May 4, 2007(R)